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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,987	07/21/2005	Roland C Santa Ana	KBOR1-0004	5632
64275 General Counsel, P.C. 6862 Elm Street SUITE 800 McLean, VA 22101	7590 12/08/2008		<div>EXAMINER</div> <div>PRONE, JASON D</div> <div>ART UNIT</div> <div>PAPER NUMBER</div> <div>3724</div> <div>MAIL DATE</div> <div>DELIVERY MODE</div> <div>12/08/2008</div> <div>PAPER</div>	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/542,987

**Applicant(s)**

SANTA ANA, ROLAND C

**Examiner**

Jason Daniel Prone

**Art Unit**

3724

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-43 is/are pending in the application.
- 4a) Of the above claim(s) 17-24 and 35-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-34 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 17-24 and 35-42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10 September 2008.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 25-34 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 25 lines 3-4, the phrase "upright rotatable post...for controlling a cutting angle" is unclear. It is uncertain how the post performs a "controlling" function. The angle is controlled by the user and the post is used to adjust the angle only.

With regards to claim 25 line 8, the phrase "slide bar is dimensioned to urge" is unclear. It is uncertain how the slide bar performs an "urging" function. If the slide bar had a biasing member (i.e. a spring) that would force the bar into one position than it could perform an urging function. In this case, the slide bar mounts the saw to the post and allows the saw to move linearly only.

With regards to the final paragraph of claims 25 and 43, the phrase "support post is adapted to selectively position said saw blade" is unclear. It is uncertain how the support post can perform a "selective positioning" function. The support performs a supporting function with regards to the saw unit only. The user selectively positions the post and the saw unit.

With regards to claim 29, the phrase "saw lock adapted to direct said circular saw" is unclear. It is uncertain how the saw lock performs a "directing" function. The saw lock locks the saw in place.

With regards to claim 31, the phrase "sliding means" is unclear. Claim 25 discloses the saw unit having a slide bar arm. It is unclear if the sliding means is meant to be the same structure as the slide bar arm or if the saw unit has an additional sliding structure.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 25, 34, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki et al. (5,524,516).

Sasaki et al. disclose the same invention including a swiveling worktable (2, 6, 7) defining an interior cutting slot (Fig. 6) and a guide slot (slot that item 11 is in), an upright rotatable support post peripherally attached to the worktable (3) for controlling a

cutting angle (Fig. 6), the post having an upper portion defining a saw dock (72), a detachable descending saw unit releasably attached to the post (4), a handle (96) and defining a slide bar arm adapted to be housed slidably within the dock (60), the slide bar arm is dimensions to urge the saw unit along the cutting slot (Fig. 4), a circular saw having a blade periphery and housed within the saw unit (C), the post is adapted to selectively position the saw blade into the cutting slot (3) and the post defines a work piece clearance void linearly situated proximate to the cutting slot (Fig. 3).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25-28 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. in view of Scott et al. (4,875,399). With regards to claim 25, Sasaki et al. disclose the invention including a swiveling worktable (2, 6, 7) defining an interior cutting slot (Fig. 6), an upright rotatable support post peripherally attached to the worktable (3) for controlling a cutting angle (Fig. 6), the post having an upper portion defining a saw dock (72), a detachable descending saw unit releasably attached to the post (4), a handle (96) and defining a slide bar arm adapted to be housed slidably within the dock (60), the slide bar arm is dimensions to urge the saw unit along the cutting slot (Fig. 4), a circular saw having a blade periphery and housed within the saw unit (C), and the post is adapted to selectively position the saw blade into the cutting slot (3).

With regards to claims 27, 28, and 30-33, Sasaki et al. disclose a dock base (top of 3), and a dock cover releasably attached to the dock base (S), the dock has a compression lock adapted to frictionally engage the slide bar arm (66), the worktable comprises a swiveling platform rotatably supported by a stationary undercarriage adapted to frictionally contact a surface (Fig. 5), the saw unit comprises a sliding means (60), the post defines a clearance void linearly situated proximate the cutting slot (Fig. 3), and the post is substantially a "C" shape (3).

However, with regards to claims 25 and 26, Sasaki et al. fail to disclose a guide slot and a removable fence adapted to selectively affix to the worktable in a first position perpendicular to the cutting slot and a second position perpendicular to the guide slot.

Scott et al. teach it is old and well known in the art of saws to incorporate a guide slot (slot item 72 is in) and a removable fence (10) adapted to selectively affix to the worktable in a first position perpendicular to the cutting slot (14 in Figure 1) and a second position perpendicular to the guide slot (14 in Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Sasaki et al. with the fence, as taught by Scott et al., because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. in view of Scott et al. as applied to claim 28 above, and further in view of Svetlik et

al. (6,769,338). Sasaki et al. in view of Scott et al. disclose the invention but fail to disclose a saw lock adapted to direct the saw toward the worktable.

Svetlik et al. teach it is old and well known in the art of saws to incorporate a saw lock adapted to direct the saw toward the worktable (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Sasaki et al. in view of Scott et al. with the saw lock, as taught by Svetlik et al., because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

It is noted that the use of the Sasaki et al. Patent in the 103 rejection is not an admission that the use of the same reference in the 102 rejection is not valid. The term "guide slot" is extremely broad and is open to numerous interpretations as shown in the two rejections above.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 17-34 and 43 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Daniel Prone whose telephone number is (571)272-4513. The examiner can normally be reached on 7:30-5:00 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a



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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

05 December 2008

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724